

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 16248 of 2004

Between:

1 The Villagers of Kothavaripalle, rep.by Sri A.V.Ramana,

S/o.Veerappa, 13th Ward Member, Kothavaripalle Gram

Panchayat, R/o.Kothavaripalle Village,
Madanapalle Mandalam, Chittoor Dist.

2 Sri N.Subramanyam, S/o.Siddappa,
R/o.Kothavaripalle Village,
Madanapalle Mandalam, Chittoor Dist.

3 Sri Vontimitta Krishnappa, S/o.Gopalu,
R/o.Kothavaripalle Village,
Madanapalle Mandalam, Chittoor Dist.

4 Sri Atluri Gangulaiah, S/o.Gurrappa,
R/o.Kothavaripalle Village,
Madanapalle Mandalam, Chittoor Dist.

5 Sri B.Sreenivasulu, S/o.Mallaiah,
14th Ward Member, Kothavaripalle Gram Panchayat.

R/o.Palemkonda,H/o.Kothavaripalle Village,
Madanapalle Mandalam, Chittoor Dist.

6 Smt.K.V.Rathnamma, W/o.Ramamurthy,
8th Ward Member, Kothavaripalle Gram Panchayat.

R/o.Yenumulavaripalle,Kothavaripalle Village,
Madanapalle Mandalam, Chittoor Dist.

7 Sri Tekumanu Krishnappa, S/o.Muneppa,
R/o.Kothavaripalle Village,
Madanapalle Mandalam, Chittoor Dist.

... PETITIONERS

AND

- 1 The Dist.Collector, Chittoor.
- 2 The Sub-Collector, Madanapalle, Chittoor Dist.
- 3 The District Panchayat officer, Chittoor Dist.
- 4 The Divisional Panchayat officer, Madanapalle, Chittoor Dist.
- 5 Smt.C.V.Krishnamma, W/o.Venkatramana,
R/o.Kothavaripalle, Madanapalle Mandalam,
Chittoor Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in issuing the impugned proceedings No.4990/2002 A5(Panchayat), dated 3-2-2003 as illegal, arbitrary and against the principles of natural justice and consequently set-aside the same, by directing the respondents 1 to 4 to locate the Kothavaripalle Gram Panchayat office building in the land donated by the 7th petitioner in Kothavaripalle only.

Counsel for the Petitioner: MR.S.S.BHATT

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage made the following:

ORDER:

The villagers of Kothavaripalle, Madanapalle Mandal, Chittoor District are the petitioners in the present Writ Petition who complain that the Gram Panchayat in its resolution dated 13-12-2001 resolved to construct Panchayat office building in Survey No.302 donated by the 7th petitioner. But strangely, by the impugned proceedings dated 03-02-2003, the District Collector issued orders for construction of the Gram Panchayat office building in Survey No.696 in Obulreddygaripalle Village bus shelter. On coming to know of the same, petitioners made a representation

to the District Collector on 30-08-2004 to stop the construction in the area where Bhoomi Pooja was conducted for construction of the building and filed the present Writ Petition alleging that no notice was given to them before taking any decision contrary to the decision taken by the Gram Panchayat in its resolution dated 13-12-2001. The fifth respondent who is the Sarpanch of the village, at her husband's instance, manipulated the resolution dated 23-08-2002 referred in the Collector's proceedings; the Panchayat office building, which is now proposed to be constructed, is not convenient to the villagers of Kothavariapalle and the same has to be rebuked.

2. It is well settled that construction of office premises of a particular place is for the convenience of the people of the hamlet. The said proposal made by the Collector cannot be judicially reviewed since the construction of the Panchayat office building is for the convenience of the villagers (See 1988 SC 1681). In view of the same, it is for the District Collector to consider the representation made by the petitioners. The first respondent-District Collector is hereby directed to consider the said representation of the petitioners and pass appropriate orders after due intimation to them.

The Writ Petition is accordingly disposed of. No costs.

A.

GOPAL REDDY, J

September 14, 2004

MRR

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To:

- 1 The Dist.Collector, Chittoor.
 - 2 The Sub-Collector, Madanapalle, Chittoor Dist.
 - 3 The District Panchayat officer, Chittoor Dist.
 - 4 The Divisional Panchayat officer, Madanapalle, Chittoor Dist.
- 5 Two C.C.s to the G.P for Panchayat Raj and Rural Development, High Court
Buildings, Hyderabad (OUT).
- 6 Two C.D. Copies.